

# Exhibit B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

RICHARD PRATT and LARRY JONES,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

KSE SPORTSMAN MEDIA, INC. d/b/a  
OUTDOOR SPORTSMAN GROUP,

Defendant.

Case No. 21-cv-11404-TLL-PTM

Honorable Thomas L. Ludington

**DECLARATION OF RYAN BAHRY REGARDING SETTLEMENT  
ADMINISTRATION**

I, RYAN BAHRY, declare and state as follows:

1. I am a Director at JND Legal Administration (“JND”). JND is a legal administration service provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (“Action”), for the purposes of administering the Class Action Settlement Agreement (“Settlement Agreement”), preliminarily approved by the Court in its Opinion and Order (1) Granting Plaintiffs’ Motion for Preliminary Approval of Settlement, (2) Certifying Settlement Class, (3) Appointing Class Representatives, (4) Appointing Class Counsel, (5) Approving Notice Plan, (6) Appointing

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<sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings given such terms in the Class Action Settlement Agreement (“Settlement Agreement”).

Settlement Administrator, (7) Directing Publication of Notice, and (8) Setting Scheduling Order, dated August 25, 2023 (“Order”).

3. This Declaration is based on my personal knowledge and information provided to me by experienced JND employees and, if called on to do so, I could and would testify competently thereto.

### **CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM with the following documents:

- a. Class Action Complaint, filed June 15, 2021;
- b. Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, filed August 17, 2023;
- c. Class Action Settlement Agreement, filed August 17, 2023;
- d. [Proposed] E-mail Notice, filed August 17, 2023;
- e. [Proposed] Postcard Notice, filed August 17, 2023;
- f. [Proposed] Long Form Notice, filed August 17, 2023;
- g. [Proposed] Claim Form for Unidentified Class Members, filed on August 17, 2023;
- h. [Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representatives, Appointing Class Counsel, and Approving Notice Plan, filed August 17, 2023;
- i. List of Class Members by State; and
- j. Proportionate Share of Class Members by State.

5. The CD-ROM was mailed on August 25, 2023, to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

#### **CLASS MEMBER DATA**

6. On August 21, 2023, JND received a spreadsheet from Defendant containing the names, mailing addresses, and e-mail addresses (where available) for 14,503 potential Settlement Class Members.

7. Prior to mailing notices, JND analyzed the raw data to review for duplicate records and determined a total of 14,503 unique Settlement Class Member records. JND updated the Settlement Class Member contact information using data from the National Change of Address (“NCOA”) database.<sup>2</sup> The Settlement Class Member data was promptly loaded into a secure database established for this Action.

#### **POSTCARD NOTICE**

8. Pursuant to the terms of the Settlement Agreement, on September 22, 2023, JND mailed the Court-approved postcard notice (“Postcard Notice”) via USPS first-class mail to all 14,503 Settlement Class Members. A representative sample of the Postcard Notice is attached hereto as **Exhibit B**.

9. As of the date of this Declaration, JND tracked 554 Postcard Notices that were returned to JND as undeliverable. Of these 554 undeliverable Postcard Notices, 70 were re-mailed to forwarding addresses provided by the USPS. JND conducted advanced address research

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<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for 48 months.

through TransUnion for the remaining undeliverable Postcard Notices and received updated address information for an additional 196 Class Members. JND promptly re-mailed Postcard Notices to these 196 Class Members.

### **E-MAIL NOTICE**

10. Pursuant to the terms of the Settlement Agreement, on September 22, 2023, JND sent the customized, Court-approved e-mail notice (“E-mail Notice”) to 6,567 unique Settlement Class Members with a valid e-mail address available within the Class Member data. A representative sample of the E-mail Notice is attached hereto as **Exhibit C**.

11. As of the date of this Declaration, JND tracked 345 E-mail Notices that were returned to JND as undeliverable.

12. As of the date of this Declaration, 14,308 Class Members were e-mailed or mailed a notice that was not returned as undeliverable, representing 98.7% of total Settlement Class Members.

### **SETTLEMENT WEBSITE**

13. On September 1, 2023, JND established a Settlement Website ([www.KSEMagazineSettlement.com](http://www.KSEMagazineSettlement.com)), which hosts copies of important case documents, answers to frequently asked questions, and contact information for the Administrator. Additionally, the Settlement Website allowed Class Members to submit an Election Form, Claim Form, or Exclusion Request electronically.

14. As of the date of this Declaration, the Settlement Website has tracked 720 unique users with 2,607 page views. JND will continue to update and maintain the Settlement Website throughout the administration process.

### **TOLL-FREE INFORMATION LINE**

15. On September 1, 2023, JND established a case-specific toll-free number (1-877-871-0232) for Settlement Class Members to call to obtain information regarding the Settlement. Callers have the option to listen to the Interactive Voice Response (“IVR”) system, or to speak with a live agent. The toll-free number is accessible 24 hours a day, seven days a week.

16. As of the date of this Declaration, the toll-free number has received 39 incoming calls. JND will continue to maintain the toll-free number throughout the settlement administration process.

### **REQUESTS FOR EXCLUSION**

17. The Notices informed recipients that any Class Member who wished to exclude themselves from the proposed Settlement (“opt-out”) must do so by submitting an exclusion request electronically on the Settlement website or by mailing an exclusion letter to the Settlement Administrator, postmarked or submitted on or before November 17, 2023.

18. As of the date of this Declaration, JND has not received, and is not aware of, any exclusion requests from Class Members.

### **OBJECTIONS**

19. The Notices informed recipients that any Class Member who wished to object to the proposed Settlement could do so by filing a written objection with the Court, postmarked on or before November 17, 2023.

20. As of the date of this Declaration, JND has not received, and is not aware of, any objections.

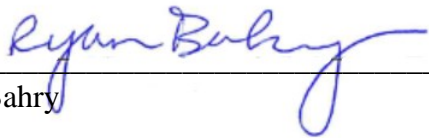
**ELECTION/CLAIM FORMS RECEIVED**

21. The Notices informed recipients that, while Class Members do not need to do anything to receive an award in the event the Settlement is approved, those wishing to elect the method in which they receive the payment must file an Election Form and submit it to JND electronically on or before January 4, 2024. Additionally, unidentified Class Members that did not receive an E-Mail or Postcard Notice were required to submit a Claim Form to JND electronically or by mail on or before January 4, 2024.

22. As of the date of this Declaration, JND has received 72 Election and Claim Form submissions. JND is in the process of receiving, reviewing, and validating Election and Claim Form submissions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed October 11, 2023 in Seattle, Washington.

  
\_\_\_\_\_  
Ryan Bahry

# EXHIBIT A





August 25, 2023

United States Attorney General  
and the Appropriate Officials  
Identified in Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715 on behalf of KSE Sportsman Media, Inc. d/b/a Outdoor Sportsman Group, the Defendant in the below-referenced class action ("the Action"). Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement was filed with the Court on August 17, 2023.

<b>Case Name:</b>	<i>Pratt v. KSE Sportsman Media, Inc. d/b/a Outdoor Sportsman Group</i>
<b>Case Number:</b>	21-cv-11404-TLL-PTM
<b>Jurisdiction:</b>	United States District Court, Eastern District of Michigan
<b>Date Settlement filed with Court:</b>	August 17, 2023

Copies of all materials filed in the above-named actions are electronically available on the Court's Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

**01 - Complaint.pdf**

Class Action Complaint, filed June 15, 2021

**02 - Motion for Preliminary Approval.pdf**

Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, filed August 17, 2023

**03 - Settlement Agreement.pdf**

Class Action Settlement Agreement, filed on August 17, 2023

**04 - Email Notice.pdf**

[Proposed] Email Notice, filed on August 17, 2023

**05 - Postcard Notice.pdf**

[Proposed] Postcard Notice, filed on August 17, 2023

**06 - Long Form Notice.pdf**

[Proposed] Long Form Notice, filed on August 17, 2023

**07 - Claim Form.pdf**

[Proposed] Claim Form for Unidentified Class Members, filed on August 17, 2023

**08 - Preliminary Approval Order.pdf**

[Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representatives, Appointing Class Counsel, and Approving Notice Plan, filed on August 17, 2023

**09 - List of Class Members by State.pdf**

**10 - Proportionate Share of Class Members by State.pdf**

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representative at:

Kathy R. Neal  
McAfee & Taft, P.C.  
Williams Center Tower II  
Two West Second Street, Suite 1100  
Tulsa, OK 74103  
Phone: (918) 587-0000  
Email: Kathy.Neal@mcafeetaft.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration  
1100 2nd Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.

Case No. 21-cv-11404-TLL-PTM (E.D. Mich.)

CAFA Notice - Attachment A - Service List

Treg R. Taylor  
Office of the Attorney General  
1031 W 4th Ave  
Ste 200  
Anchorage, AK 99501

Steve Marshall  
Attorney General's Office  
501 Washington Ave  
Montgomery, AL 36104

Kris Mayes  
Office of the Attorney General  
2005 N Central Ave  
Phoenix, AZ 85004

Kathy Jennings  
Delaware Department of Justice  
Carvel State Office Building  
820 N French Street  
Wilmington, DE 19801

Ashley Moody  
Office of the Attorney General  
State of Florida  
PL-01 The Capitol  
Tallahassee, FL 32399

Brenna Bird  
Office of the Attorney General  
Hoover State Office Building  
1305 E. Walnut Street Rm 109  
Des Moines, IA 50319

Kwame Raoul  
Office of the Attorney General  
James R. Thompson Center  
100 W. Randolph St  
Chicago, IL 60601

Todd Rokita  
Office of the Attorney General  
Indiana Government Center South  
302 W Washington St 5th Fl  
Indianapolis, IN 46204

Daniel Cameron  
Office of the Attorney General  
Capitol Building  
700 Capitol Ave Ste 118  
Frankfort, KY 40601

Dana Nessel  
Department of Attorney General  
G. Mennen Williams Building, 7th Fl  
525 W Ottawa St  
Lansing, MI 48933

Keith Ellison  
Office of the Attorney General  
445 Minnesota St  
Suite 1400  
St. Paul, MN 55101

Lynn Fitch  
Office of the Attorney General  
Walter Sillers Building  
550 High St Ste 1200  
Jackson, MS 39201

Josh Stein  
Attorney General's Office  
114 W Edenton St  
Raleigh, NC 27603

CAFA Coordinator  
Office of the Attorney General  
28 Liberty St  
15th Fl  
New York, NY 10005

**Case No. 21-cv-11404-TLL-PTM (E.D. Mich.)**

**CAFA Notice - Attachment A - Service List**

Dave Yost  
Attorney General's Office  
State Office Tower  
30 E Broad St 14th Fl  
Columbus, OH 43215

Gentner Drummond  
Office of the Attorney General  
313 NE 21st St  
Oklahoma City, OK 73105

Jonathan Skrmetti  
Office of the Attorney General  
500 Dr Martin L King Jr Blvd  
Nashville, TN 37219

Angela Colmenero  
Office of the Attorney General  
300 W. 15th St  
Austin, TX 78701

Jason S. Miyares  
Office of the Attorney General  
202 N. Ninth St.  
Richmond, VA 23219

Bob Ferguson  
Office of the Attorney General  
1125 Washington St SE  
Olympia, WA 98501

Josh Kaul  
Attorney General's Office  
P.O. Box 7857  
Madison, WI 53707

Merrick Garland  
Office of the U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

# EXHIBIT B

**OUR RECORDS INDICATE  
YOU HAVE SUBSCRIBED  
TO A KSE PUBLICATION  
AND MAY BE ENTITLED  
TO A PAYMENT FROM  
A CLASS ACTION  
SETTLEMENT.**

A settlement has been reached in a class action lawsuit claiming that Defendant, publisher KSE Sportsman Media, Inc. d/b/a Outdoor Sportsman Group (“KSE”), disclosed its customers’ subscription information to third parties, which is alleged to violate Michigan privacy law. **While KSE believes that its practices were in compliance with Michigan law, KSE chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, and not on additional legal fees and the uncertainty of litigation.**

KSE Magazine Settlement  
c/o JND Legal Administration  
P.O. Box 91225  
Seattle, WA 98111



Postal Service: Please do not mark barcode

**Unique ID:** <Name Number>  
«MailRec»

«First1» «Last1»  
«C/O»  
«Addr1» «Addr2»  
«City», «St» «Zip» «Country»

By Order of the Court Dated: August 25, 2023

**Am I a Class Member?** Our records indicate you are a Class Member. Class Members are direct purchasers whose information was included on the lists obtained in discovery that were transmitted to third parties between June 16, 2015 and July 30, 2016, and thus that have standing, which are reflected on the Class List.

**What Can I Get?** If approved by the Court, a Settlement Fund of \$9,500,000.00 has been established to pay all cash awards to the Settlement Class, together with notice and administration expenses, approved attorneys' fees and costs to Class Counsel, and a service award to the Plaintiffs. Once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$420 per class member, although the final amount you receive will also depend on the number of requests for exclusion submitted. Additionally, as part of the Settlement, KSE has agreed to refrain, in perpetuity, from disclosing to any third party the subscription information of any subscribers to any of its publications who reside in Michigan.

**How Do I Get a Payment?** If you are a Class Member, you will automatically receive a *pro rata* share of the Settlement Fund, so long as you do not request to be excluded from the Settlement Class. Your payment will come by check, sent to the following address: **[insert Settlement Class Member's address to which check will be sent]**. If you no longer reside at this address or are planning to change addresses prior to **February 1, 2024**, please complete and submit a change of address form accessible on the Settlement Website so that your check is sent to the correct address. If you wish to receive your payment via PayPal or Venmo, you may do so by submitting an Election Form on the Settlement Website.

**What are My Other Options?** You may exclude yourself from the Class by submitting an online form on the Settlement Website no later than **11:59 p.m. on November 17, 2023**, or by sending a letter to the settlement administrator postmarked no later than **November 17, 2023**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before

the Court and/or object to the proposed settlement. Any written objection must be filed no later than **November 17, 2023**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.KSEMagazineSettlement.com](http://www.KSEMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant and others will be released.

**Who Represents Me?** The Court has appointed E. Powell Miller of The Miller Law Firm, P.C. to represent the class. This attorney is called Class Counsel. You will not be charged for this lawyer. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at **10:00 a.m. EST on January 4, 2024** at the United States Post Office Building, 1000 Washington Avenue, Room 214, Bay City, MI 48708. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representatives \$1,500 each from the Settlement Fund for their services in helping to bring and settle this case. Defendant has agreed to pay Class Counsel reasonable attorneys' fees in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**How Do I Get More Information?** For more information, including the full Notice, Claim Form, and Settlement Agreement go to [www.KSEMagazineSettlement.com](http://www.KSEMagazineSettlement.com), contact the settlement administrator by calling (877) 871-0232 or writing to KSE Magazine Settlement, c/o JND Legal Administration, P.O. Box 91225, Seattle, WA 98111, or contact Class Counsel by calling (248) 609-7331.

# EXHIBIT C



From: Jennifer@KSEMagazineSettlement.com  
To: JonQClassMember@domain.com  
Re: Legal Notice of Class Action Settlement

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**  
*Pratt v. KSE Sportsman Media, Inc. d/b/a Outdoor Sportsman Group,*  
Case No. 1:21-cv-11404-TLL-PTM  
(United States District Court for the Eastern District of Michigan)

**Unique ID: [NAME NUMBER]**

This notice is to inform you of the settlement of a class action lawsuit with publisher KSE Sportsman Media, Inc. d/b/a Outdoor Sportsman Group (“KSE”), the Defendant in this case. Plaintiffs Richard Pratt and Larry Jones allege that Defendant disclosed its customers’ subscription information to third parties which is alleged to violate Michigan privacy law. **While KSE believes that its practices were in compliance with Michigan law, KSE chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, and not on additional legal fees and the uncertainty of litigation.**

**Am I a Class Member?** Yes. Our records indicate you are a Class Member. Class Members are direct purchasers whose information was included on the lists obtained in discovery that were transmitted to third parties between June 16, 2015 and July 30, 2016, and thus that have standing, which are reflected on the Class List. Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and members of their families; (2) the Defendant, Defendant’s subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and their current or former officers, directors, agents, attorneys, and employees; (3) persons who properly execute and file a timely request for exclusion from the class; and (4) the legal representatives, successors or assigns of any such excluded persons.

**What Can I Get?** A Settlement Fund of \$9,500,000 has been established to pay all cash awards to the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs to Class Counsel, and service awards to the Plaintiffs. If you received a postcard Notice, you do not need to submit a Claim Form to receive payment, and you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates to will be for approximately \$420 per class member. The exact amount of the share of the Settlement Fund that you will receive depends on the number of requests for exclusion that are received. If you **did not receive a postcard Notice** concerning the Settlement sent to you by postal mail, you **must submit a Claim Form** (see instructions below) in order to receive a share of the Settlement Fund as described above. Additionally, as part of the Settlement, KSE has agreed to refrain, in perpetuity, from disclosing to any third party the subscription information of any subscribers to any of its publications who reside in Michigan.

**How Do I Get a Payment?** Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** complete and submit a Claim Form to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$420. You may submit

a Claim Form either electronically on the Settlement Website by clicking [here](#), or by printing and mailing in a paper Claim Form, copies of which are available for download [here](#). Claim Forms must be submitted online by **11:59 p.m. EST on January 4, 2024** or postmarked and mailed by **January 4, 2024**.

**What are My Other Options?** You may exclude yourself from the Class by sending a letter to the settlement administrator postmarked no later than **November 17, 2023**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than **November 17, 2023**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.KSEMagazineSettlement.com](http://www.KSEMagazineSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant will be released.

**Who Represents Me?** The Court has appointed E. Powell Miller of The Miller Law Firm, P.C. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at **10:00 a.m. EST on January 4, 2024** at the United States Post Office Building, 1000 Washington Avenue, Room 214, Bay City, MI 48708. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representatives \$1,500 each from the Settlement Fund for their services in helping to bring and settle this case. Defendant has agreed that Class Counsel may be paid reasonable attorneys' fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**How Do I Get More Information?** For more information, including a more detailed Notice, a copy of the Settlement Agreement and other documents, go to [www.KSEMagazineSettlement.com](http://www.KSEMagazineSettlement.com), contact the settlement administrator by calling (877) 871-0232 or by writing to KSE Magazine Settlement, c/o JND Legal Administration, P.O. Box 91225, Seattle, WA 98111, or contact Class Counsel by calling (248) 609-7331.